

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF SEPTEMBER 16, 2014

PLANNING COMMISSION
MINUTES OF AUGUST 19, 2014
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,
Weller

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services
Cochran, City Planner
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Hegyi, supported by Micele, to excuse Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of July 15, 2014 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no comments.

AGENDA ITEM NO. 1

Request for Special Use Approval (drive through restaurants) for Wyoming Village Pad Site. The property is located at 1216 – 28th Street SW. (Section 14) (Continental Construction) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. This development site is located within the recently adopted Form Based Code zoning district, specifically the Corridor Center context area. The Corridor Center area extends from the north side of the planned crescent street to 28th Street. New construction along the crescent street is required to have a zero setback along the right-of-way. The 28th Street frontage is required to

provide a 25 foot greenbelt, with new construction fronting at the edge of the greenbelt. The placement of buildings at these edges would then allow for the interior space to be used for parking to serve the businesses.

The Meyer C. Weiner Company, owners of Wyoming Village Plaza, are moving forward with redevelopment plans for the overall property. The plans include the demolition of the north wing of the Plaza that extends out to 28th Street. The small offset commercial building on the west end of the property and the office building on Prairie Parkway are also proposed for demolition. The initial desired new construction is this proposed 5300 square foot pad site with related greenbelt and parking lot improvements. The intended second phase of construction would be a substantial addition to the Plaza extending west. The final plans are in development and have not been submitted for approval.

The foundation of the 28th Street corridor redevelopment vision (28 West), and the regulating Form Based Code, is the construction of the crescent street through Rogers Plaza, Wyoming Village Plaza and Studio 28. The City Engineering Department has made the commitment to allocate up to 1 1/2 million dollars to contribute to the construction of the crescent street west from Michael Avenue, through Wyoming Village Plaza and Studio 28, to 28th Street. This would be one-half of the desired overall crescent street length. Funds will be available in 2015. Essential to the development of the crescent street is willing participation by the property owners. Public right-of-way, either by outright purchase or highway easement, is needed. The street will have a profound impact on land uses and their function along it. Public and private utilities, storm water management, and construction elevations, will need to be coordinated between the City and the property owners.

The Meyer C. Weiner Company has determined that the adopted crescent street cross section may be too impactful for their development in the foreseeable future. The required street cross section includes a 110 foot wide ROW, four through lanes, two bike lanes, parallel parking and wide sidewalks. Meyer C. Weiner has shown exceptional willingness to work with the City to find a solution to construct a crescent street that would be more compact, compatible, and beneficial, with their development interests. To address this, staff and the owners have been engaged in developing a reduced crescent street cross section that would include two through lanes, angled parking and wide sidewalks. Such a design is common in historical downtowns and is attractive to many retailers. Of additional benefit is the ability to construct the slimmed down street without obtaining additional outside funding. The additional cost for the planned crescent street cross section could be upwards of a million dollars more. It is anticipated that this revised crescent street design will be completed in the near future for Planning Commission and City Council consideration. An amendment to the Form Based Code would be required to revise the crescent street design. To date, the Studio 28 ownership has also been receptive. With acceptance by the City and property owners, the street design would proceed to construction drawings.

The City and Meyer C. Weiner are engaged in a public-private partnership to construct the crescent street. The proposed Wyoming Village Pad Site is an essential first phase of the redevelopment of the overall property. The project would install the 25 foot greenbelt along 28th Street and would provide for the redevelopment of the adjoining parking areas for an enhanced

entryway, reconfigured parking and drive aisles and landscaped islands. The building appearance would comply with the requirements for retail buildings in the Form Based Code.

The petitioner proposes to construct a 5,300 sq. ft. building that would accommodate two drive-through restaurants with an additional center tenant. The two intended restaurants are Dunkin Donuts and Jimmy Johns. The proposed drive through restaurants are allowable by Special Use Approval from the Planning Commission in this FBC district. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed new pad building incorporating the two drive-through restaurants will be a significant improvement to this area. It would replace a parking lot with a building that would adhere with many of the desired standards of the Form Based Code. The reinvestment in this area, the launching of the 28 West redevelopment plan on this essential property, the landscaping and parking improvements, will all have profound positive effects on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. Nearby to this site are McDonald's, Burger King and Biggby Restaurants all with drive through lanes. The proposed drive-through restaurants are consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The site will gain access to the public streets from existing driveways serving the Wyoming Village Plaza. No adverse traffic impacts on the streets or any buildings are anticipated.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed restaurants will replace an underused parking lot. The redevelopment project will infuse new investment into an area of high importance. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed restaurant uses appear financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

The proposed dual drive through design is unusual. It effectively establishes a circular driving pattern around the building. The two uses, Dunkin Donuts and Jimmy Johns, have different peak operation times. Any traffic conflicts would be limited to around the building and would not impact adjoining properties or 28th Street.

- g. That all other provisions of this chapter are met.

The project will require several variances from the Board of Zoning Appeals that will be addressed under the site plan review.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department.
2. Variances from the Board of Zoning Appeals are required to allow this design. Zoning Code Section 90-1403 1.0 requires the building to be set at the edge of the 25 foot greenbelt along 28th Street. The building is setback 53 feet from the planned greenbelt. Section 90-1709 5.0 C allows drive through lanes only in the rear yard of properties. Two drive through lanes, located in the front and side yards, are proposed. Section 90-799-2 does not permit drive through menu boards in the front yard or visible from public streets. The front yard drive through lane would need a menu board. Staff will support the authorization of the variances.
3. The landscape plan shows extensive plantings throughout the development. The landscape plan is adopted as part of this site plan approval.
4. The proposed building façade incorporates extensive glass with brick and stone veneers. It complies with the Form Based Code requirements and is acceptable.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed pad building is a pivotal first step in the redevelopment of this major retail center. It will provide much needed investment in this area of 28th Street and will provide many new jobs for area residents. The project will especially contribute to an overall vibrant community by substantially advancing the 28 West redevelopment plan. The proposed Wyoming Village Pad Site conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team (DRT) recommended the Planning Commission grant Special Use Approval for Wyoming Village Plaza Pad Site per Staff's Findings of Fact. The project

greatly advances the overall redevelopment plans for the Wyoming Village Plaza, sets the stage for construction of the crescent street, provides the desired 28th Street greenbelt and would establish a new building in the center of the FBC district with the preferred architectural appearance. In a separate motion, the DRT recommended granting Site Plan Approval subject to conditions 1 - 4 noted.

Chair Spencer opened the public hearing.

Josh Weiner of Meyer C. Weiner Company, 200 Mall Dr, Portage, MI, thanked the City of Wyoming's Development Review Team, Planning Department, Manager's office and other staff who have worked with them on redevelopment plans for the overall property. He commended the City for developing a Form Based Code as a tool to encourage and assist with revitalization of this 28th Street area. They are not looking to receive only a Special Use permit for a pad building. This project ties into, and is economically dependent upon, the redevelopment of the surrounding property and the construction of the crescent street. They are on a fast track for construction of the pad site since they have already secured tenants.

Doug Kochneff, Chairman of the Wyoming DDA, expressed his excitement for this proposed project, and encouragement that it will spur future growth in this area. He commended Tim Timmons of Meyer C. Weiner Company for participating in the planning process for revitalization of 28th Street since the initial bus tour five years ago. He mentioned the dual drive-thru windows for restaurants is becoming common throughout the country, and the project fits well with the Form Based Code.

Chair Spencer closed the public hearing.

Goodheart and Bueche asked to abstain from discussion and voting on this item because their company is doing the design work for the crescent street.

Motion by Hegyi, supported by Micele, to grant Goodheart and Bueche an abstention from discussion and voting on this item due to a business conflict of interest. Motion carried unanimously.

Motion by Micele, supported by Hegyi, to grant Special Use Approval for Wyoming Village Plaza Pad Site per Staff's Findings of Fact. Discussion followed.

Micele thought this project is a huge opportunity. The City needs to take full advantage of this chance for revitalization. Chair Spencer agreed. It demonstrates to the citizens and businesses that the City is serious about redevelopment. Postema was most excited about construction of the crescent street.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Micele, to grant Site Plan Approval subject to conditions 1 – 4 noted. Discussion followed.

Hegyi questioned why the aisle ways or lanes to the south appear reduced in width. Cochran replied the design is being constructed to tie into the overall plan.

Weller asked, when the north wing of Wyoming Village Mall is demolished, will there be a new façade on the remaining portion of the building. Cochran replied, when the north wing is demolished, an addition will be added to the west side of the existing mall. A new façade will then be added to the building face where the demolition occurred and the new addition. The façade will meet the Form Based Code requirements.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to amend the Planning Commission Rules of Procedure.

Cochran explained Staff was asked to consider an amendment to the Rules of Procedure to provide guidance on when a Planning Commissioner should declare pertinent information that may have an influence on the initial motion for decision. The concern is that a Commissioner, through the course of project consideration prior to the meeting, may have discovered critical information that would correct potentially erroneous or untruthful information provided to the Commission.

The Commission's actions, and decision making process, requires full transparency to both the petitioners and public. An initial motion for business consideration will be either for approval or denial. If a Commissioner believes that self-discovered information is pivotal to that motion, it is recommended that this be disclosed prior to the initial motion. The Commissioners should first contact the Chair prior to commencing the meeting to identify the concern, which will then provide the Chair the opportunity to call upon the Commissioner. Once openly disclosed, the normal procedures will resume with a motion, then discussion and decision, on the proposal. Research of Roberts Rules of Order and internet failed to provide guidance on an appropriate process for such disclosures.

In addition, current Procedures state that the election of officers occurs on the first regular meeting in June. Since City Council reappointments occur in June, elections have been occurring in July. It is recommended the Procedures be amended to specify July for the election of officers.

The following amendments to the Rules of Procedure are proposed (amendments in **bold**):

Article II Section 1.

A Chair, Vice-Chair and Secretary shall be elected by a majority vote of the members of the Planning Commission every year, at the first regular meeting in the Month of **July**.

Article IV Section 3.

All proceedings, decisions, and resolutions of the Planning Commission shall be initiated by motion. **The disclosure of pertinent information that would correct potential erroneous or untruthful information provided to the Planning Commission, and may also affect a motion for consideration, may be revealed prior to the motion upon recognition of the Commissioner by the Chair. Once disclosed, the normal procedures will resume with a motion, then discussion and decision, on the proposal.** ~~The vote upon motions and resolutions and resolutions should be recorded by roll call vote.~~

Cochran indicated there had been prior discussion with City staff and Chair Spencer as to the necessity of the last sentence of Article IV Section 3. City Clerk Isakson recommended the last sentence be stricken from this section, as there are several acceptable methods of voting. Past practice has been that roll call votes have been at the discretion of the Chair.

Motion by Hegyi, supported by Weller, to amend the Planning Commission Rules of Procedure as noted. Discussion followed.

Goodheart agreed with the importance of amending Article IV Section 3.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Lawns, Gardens and Water Efficient Landscaping Ordinance.

Cochran presented this proposed Ordinance as an informational item. It will most likely be included on the City Council's September work session agenda. Since different types of lawn and garden designs have been occurring throughout the city, Staff has been charged to develop an ordinance that will provide flexibility and encourage sustainability, but yet ensure an aesthetically pleasing result. He presented photos of various types of lawn and garden scenarios the Inspections Department has encountered throughout the city. Cochran noted he will be the contact person for requests for approval of different types of alternative landscapes. The requests could be from developers, residents or be tied to school or church projects.

Hegyi asked if gardens would be limited to back yards. Cochran responded affirmatively. He noted an appeal of staff's decision would go through the Housing Board of Appeals, in which the neighbors would be notified within 300 feet and have the opportunity for input.

Postema asked how the ordinance would apply to vacant lots. Cochran replied there is currently the provision in place that a vacant lot must be mowed at least twice per year. Postema asked how this ordinance will tie into the current ordinance requiring commercial projects to be irrigated. Cochran responded that if a commercial project wished to go with water efficient

landscaping instead of an irrigated greenbelt, a Board of Zoning Appeals variance would be required.

Goodheart thought residents would most likely not ask for a request upfront, and the City will have to be reactive to these non-traditional designs probably through a neighbor's complaint. He also felt the word "site plan" should be changed to "site sketch". He asked if there was a review fee. Cochran replied yes, but the amount is undecided.

Weller suggested the City work with business owners by offering a free second water meter so they are only paying for the water they use. Chair Spencer agreed.

INFORMATIONAL

Cochran mentioned the City Council is in support of hiring a consultant to rewrite the Zoning Code. Request for Proposals will be going out shortly to hire a consultant for this work. The DRT will be involved with the consultant selection process, but would like a Planning Commissioner(s) to be part of the selection process. Commissioners Bueche, Goodheart and Postema asked to be part of the consultant selection process.

PUBLIC COMMENT

There was no public comment.

Hegyi asked about the Michigan Association of Planning conference on Mackinac Island scheduled for October. Rynbrandt indicated there are some limited funds available for travel and training if a few Planning Commissioners wished to attend. Cochran mentioned the main topic of the conference will be sustainable communities.

ADJOURNMENT

The meeting was adjourned at 8:10 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission